

Remarks

Claims 6, 18, and 22 have been amended to include reference to the respective sequence identifiers ("SEQ ID NO:"s) as required in the Office Action. In addition, Claim 15 has been amended to correct a typographical error. Support for such amendments can be found throughout the specification. No new matter enters by way of the foregoing amendment. Entry of the amendment and favorable consideration are requested.

I. Response to Restriction Requirement

The Restriction Requirement required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I, claim(s) 1-12, drawn to a method for detecting the presence or absence of a bacterium, comprising the steps of: (a) contacting a sample with a detectably labeled synthetic serpin reactive site loop domain peptide substrate under conditions that result in modification of said substrate by an enzyme produced by a bacterium; and (b) detecting the modification or an absence of the modification of the substrate, the modification of the substrate indicating the presence of the bacterium in the sample and absence of the modification of the substrate indicating absence of the bacterium in the sample.

Group II, claim(s) 13-21, drawn to a biosensor for detecting the presence or absence of a bacterium in a sample, the biosensor comprising: (a) a solid support and (b) a detectably labeled synthetic serpin reactive site loop (RSL) domain peptide substrate, said substrate attached to said solid support.

Group III, claim(s) 22, drawn to an isolated peptide comprising a detectable label and an amino acid sequence selected from the group consisting of EAAGAMFLEAIPK, EGAMFLEAIPMSIPK, KGTEAAGAMFLEAIPMSIPPEVK, GAMFLEAIPMSIPPE, and CGAMFLEAIPMSIPAAAHHHHH.

The Restriction Requirement further requires the election of a species selected from the Groups identified on pages 4 and 5 of the Office Action.

Applicants elect, with traverse, Group I, claims 1-12, with the following species:
Species of bacterium: *Staphylococcus aureus*; Species of Labels: fluorescent materials;

Species of Peptides: EAAGAMFLEAIPK; and Species of Supports: wound dressing, for prosecution in the present application. This election is made with traverse. Applicants believe all pending claims encompass the elected species.

The Restriction is traversed for at least the following reasons. 37 C.F.R. § 1.475(b)(2) provides that an application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn, *inter alia*, a product and process of use of the product.

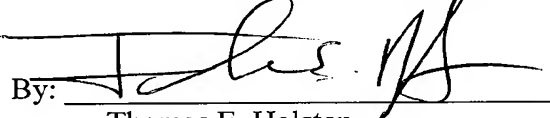
The present application includes claims directed to the use of detectably labeled synthetic serpin reactive site loop domain peptides as a substrate for detecting the presence or absence of a bacterium. The application also contains claims directed to biosensors including such detectably labeled synthetic serpin reactive site loop domain peptides and isolated peptides comprising detectable labels. The specification discloses that such products find use in the claimed methods. Thus, the claims are directed to products and processes for using such products and therefore have unity of invention. Accordingly, Applicants request reconsideration and withdrawal of the restriction requirement under 37 C.F.R. § 1.475(b)(2).

Applicants believe all issues raised in the Restriction Requirement have been addressed. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Although it is believed that no fee is necessary, the Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

BRINKS HOFER GILSON & LIONE

By: 

Thomas E. Holsten
Registration No. 46,098

Date: August 7, 2008
2801 Slater Road, Suite 120
Morrisville, NC 27560
919.481.1111